



COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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JAMES A. NOYES, Director

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August 7, 2002

IN REPLY PLEASE
REFER TO FILE:

MP-5

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION OF SUMMARY VACATION
SLOPE EASEMENT - SOUTH SAN GABRIEL
SUPERVISORIAL DISTRICT 1
3 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find this transaction categorically exempt from the provisions of the California Environmental Quality Act (CEQA).
2. Find that:
 - a. Pursuant to Section 8333(a) of the California Streets and Highways Code, the slope easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
 - b. Pursuant to Section 8334(a) of the California Streets and Highways Code, the slope easement is excess right of way not required for street or highway purposes.
 - c. Pursuant to Section 2381 of the Streets and Highways Code, the slope easement to be vacated is not useful as a nonmotorized transportation facility and is not needed for present or prospective public use.

3. Adopt the enclosed Resolution of Summary Vacation to vacate the slope easement, east of Del Mar Avenue, described in Exhibit "A" of the Resolution.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Mr. Stephen Meza, the underlying fee owner, requested this vacation to eliminate an unnecessary slope easement, increase buildable area, and to remove from the record all public easement rights within his property. Vacation of the easement will not have any negative impact on any adjacent properties or affect the stability of the roadway. No existing public utility easement will be affected by the proposed vacation.

The slope easement being vacated was originally a requirement of the Del Mar Avenue Cash Contract Project No. 2530. Del Mar Avenue, under this project, was upgraded to a Master Plan Secondary Highway, with an 80-foot right of way, to increase traffic capacity and improve the horizontal and vertical alignments of the existing street to safely handle existing and future traffic volumes. In 1971, the topography of the area required the dedication of the slope easement as an accessory to the road. During the last 30 years, however, the building pads of a number of properties adjoining Del Mar Avenue were raised by the property owners to the level of the roadway, eliminating the need for the slope easement. It is therefore in the County's interest to vacate the slope easement, since it no longer serves the purposes for which it was dedicated and is not required for general public access, circulation, or for bicycle paths and trails.

Implementation of Strategic Plan Goals

This action is consistent with the Strategic Plan Goal of Fiscal Responsibility as the vacation of the slope easement will result in added revenue through assessment and taxation, eliminates unnecessary maintenance costs, and removes possible County exposure to liability.

FISCAL IMPACT/FINANCING

Vacation of the slope easement will not have any negative fiscal impact on the County's budget. The applicant has paid a fee of \$1,000 to defray the expense of the investigation. The fee was authorized by your Board in a Resolution adopted May 4, 1982, Synopsis 62 (Fee Schedule) and as prescribed in Section 8321(d) of the California Streets and Highways Code.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The area to be vacated contains approximately 900 square feet and is shown on the map attached to the Resolution.

The County acquired an easement for slope purposes by deed recorded on August 6, 1971, in Official Records Book D5151, page 580, on file in the office of the Recorder of the County of Los Angeles.

The Public Streets, Highways, and Service Easement Vacation Law allows your Board to voluntarily relinquish the County's interest over the slope easement. Adoption by your Board of our recommendations terminates the County's rights and interest to the vacated area and disposes of an unnecessary County slope easement. Your action will also result in the property being unencumbered of the public easement, thereby allowing the underlying fee owner to exercise his reversionary rights over the vacated area.

ENVIRONMENTAL DOCUMENTATION

With respect to requirements of the CEQA, this proposed vacation is categorically exempt, as specified in Class 21(a) of the Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, Synopsis 57, and Section 15321 of the State CEQA Guidelines.

IMPACT ON CURRENT SERVICES OR PROJECTS

The County of Los Angeles Fire Department has found that no fire protection facilities will be affected by the proposed vacation. The County of Los Angeles Regional Planning Commission has determined that the proposed vacation does not conflict with the County-adopted General Plan and that the vacation area is not suitable for bicycle paths and trails. Vacation of the easement eliminates County maintenance responsibility to the area.

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CONCLUSION

This action is in the County's best interest. Enclosed is a Resolution of Summary Vacation, approved as to form by County Counsel. Upon adoption of the Resolution, please return the executed original and a copy to us for further processing. In the interim, please retain one executed copy for your files. We will record the Resolution and will return the executed original Resolution to you when recorded.

One approved copy of this letter is requested.

Respectfully submitted,

JAMES A. NOYES
Director of Public Works

CVC:bw
P5:2186A BRDLTR

Enc.

cc: Chief Administrative Office
County Counsel

RESOLUTION OF SUMMARY VACATION

BE IT RESOLVED by the Board of Supervisors of the County of Los Angeles that it is hereby found and determined that the portion of real property dedicated to the County of Los Angeles for slope purposes, east of Del Mar Avenue, legally described in Exhibit "A" and as shown by the map in Exhibit "B" attached hereto and incorporated herein by this reference, which right of way is located in the unincorporated area of South San Gabriel, in the County of Los Angeles, State of California, is no longer needed for present or prospective public use based upon the following facts: (1) the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and (2) the easement is excess right of way not required for street or highway purposes.

BE IT FURTHER RESOLVED that the public easement in, over, and across said property for slope purposes, legally described in Exhibit "A", is hereby vacated pursuant to Chapter 4, Part 3, Division 9 of the Streets and Highways Code, State of California, commencing with Section 8330.

BE IT FURTHER RESOLVED that the right of way to be vacated is not useful as a nonmotorized transportation facility, that the vacation does not terminate any public service easement, and that no in-place public utility facilities, in use, would be affected by the vacation.

BE IT FURTHER RESOLVED that the County of Los Angeles Department of Public Works be authorized to record the certified original Resolution in the office of the Recorder of the County of Los Angeles, at which time the slope easement vacated will no longer be a public easement.

The foregoing Resolution was on the ____ day of _____, 20____, adopted by the Board of Supervisors of the County of Los Angeles, and ex-officio, the governing body of all other special assessment and taxing districts for which said Board so acts.

VIOLET VARONA-LUKENS, Executive Officer
of the Board of Supervisors
of the County of Los Angeles

APPROVED AS TO FORM

LLOYD W. PELLMAN
County Counsel

By _____
Deputy

By _____
Deputy

EXHIBIT "A"

**SLOPE EASEMENT E/O DEL MAR AVENUE
(M0288103)**

That portion of Lot 10, Block B, Tract No. 11133, in the unincorporated territory of the County of Los Angeles, State of California, as shown on map recorded in Book 212, page 38, of Maps, in the office of the Recorder of said County, described as Parcel 10-48S.1 (Slope) in deed to said County, recorded on August 6, 1971, as Document No. 4526, in Book D5151, page 580 of Official Records, in the office of said Recorder.

Total Area: 900± Square Feet

Description Approved

JAMES A. NOYES
Director of Public Works

By _____
Deputy